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7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**

9 In re:

10 TAMARA L. WILLIAMS,
Debtor.

BK-S-23-10744-ABL
Chapter 13

Hearing Date: April 27, 2023
Hearing Time: 1:30 P.M.

12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN COMBINED WITH**
13 **TRUSTEE'S REQUEST FOR DISMISSAL**

14 Comes now, Chapter 13 Bankruptcy Trustee, Rick A. Yarnall, and hereby objects to
15 confirmation of the Chapter 13 Plan and recommends that confirmation be denied and the case
16 dismissed.

17 On February 28, 2023, the instant bankruptcy case was commenced. See Docket No. 1. The
18 § 341(a) Meeting of Creditors was concluded on April 4, 2023. See Docket No. 20. Confirmation of
19 the Debtor's proposed plan is currently pending. The Debtor bears the burden of proof on all
20 elements of plan confirmation. See In re Hill, 268 B.R. 548, 552 (B.A.P. 9th Cir. 1994). A proposed
21 plan cannot be confirmed until the Court has ensured that all requirements of §1325 have been
22 satisfied. See United Student Aid Funds, Inc. v. Espinosa, 130 S. Ct. 1367, 1380-81 (2010). Trustee
23 objects to confirmation of the proposed plan because it does not satisfy the confirmation

1 requirements of § 1325.

2 Initially, Trustee opposes confirmation as he has not completed his investigation into the
3 Debtor's financial affairs. In order to complete this investigation, the Trustee requests the following:

- 4 - Copies of the Debtor's bank statements: Chime #8643: Jan 29 thru Feb 28, 2023;
Chime Checking: Nov 28, 2022 thru Feb 28, 2023;
- 5 - Copies of the Debtor's filed 2022 federal income tax return;
- 6 - Signed Trustee's Conduit and Authorization forms (copies of which can be found
on the Trustee's website www.lasvegas13.com as exhibits attached to the
Trustee's Conduit Guidelines); and
- 7 - Documentation showing that following deductions taking on Debtor's Official Form
122C-2 are actual, reasonable, and necessary:
 - 8 ○ Line 22- Additional health care expenses, excluding insurance costs.
- 9 - Copies of Debtor's paystubs and/or proof of income, from all sources, through
confirmation.

10 Debtor has a duty to cooperate with the trustee. Failure to do so can result in denial of confirmation
11 and the dismissal of the underlying case. Therefore, confirmation should be denied and the case
12 dismissed if Debtor fails to timely tender the above-mentioned documents to the Trustee.

13 Trustee further objects to confirmation and requests dismissal on the basis that the Debtor has
14 failed to commence making plan payments. Pursuant to 11 U.S.C. § 1326, Debtors are required to
15 commence making plan payments no later than 30 days after the filing of the plan or the order for
16 relief, which is earlier. Section 1307(c)(4) states that a case may be dismissed or converted for
17 failure to commence making timely payments under § 1326. Debtor filed the instant petition on
18 February 28, 2023 and was required to commence making plan payments no later than March 30,
19 2023 and have failed to commence making plan payments. Thus, cause to dismiss this case exists.

20 Section 1325(a) requires the Court to withhold from confirming a plan until the plan
21 complies with the applicable provisions of Title 11. 11 U.S.C. § 1325(a). As such, Trustee requests
22 that this court withhold from confirming any proposed plan until the above objections have been
23 resolved.

CONCLUSION

For the foregoing reasons, the Trustee requests that confirmation be DENIED. Trustee further requests that, that the underlying case be DISMISSED if the Debtor fails to timely resolve this objection to confirmation or become delinquent in plan payments.

DATED this 24th day of April, 2023.

/s/ Amanda Hunt

Amanda Hunt, Esq.
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Attorney for RICK A. YARNALL
Chapter 13 Bankruptcy Trustee

CERTIFICATE OF MAILING

I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the age of 18 years; and that on the 25th day of April, 2023, I provided a copy of the Trustee's Opposition to Confirmation to each of the following by:

[X] a. **ECF System:**

- **SETH D BALLSTAEDT** help@bkvegas.com, ballstaedtecf@gmail.com;r49890@notify.bestcase.com;Brooke@bkvegas.com; 14879@notices.nextchapterbk.com
- **AMBERLEA DAVIS** Amber@SheIsMyLawyer.com
- **RICK A. YARNALL** ecfmail@LasVegas13.com, ecfimport@lasvegas13.com

[X] b. **United States mail, postage fully prepaid:**

TAMARA L. WILLIAMS
10361 TRAILING DALEA AVE.
LAS VEGAS, NV 89135

/s/ Cindy L. Coons
Cindy L. Coons, Employee of
RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE